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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,341	Applicant(s) PLETIKOSA, VELIMIR	
	Examiner Jack Chiang	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 17-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-14, 17-25, 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirola et al. (US 6415138) in view of Harms (US 5732331).

Regarding claim 1, Sirola shows:

A mobile device housing having a top surface (see 2);

A touch screen (3);

A protective cover comprising a protective surface (4) and a position mechanism (6);

A first position (closed position in fig. 1);

A second position (open position in fig. 2);

At least a portion of the protective surface is transparent (see 5) to enable viewing of information displayed on the touch screen (3) while the cover is in the first position.

Sirola differs from the claimed invention in that it does not explicitly mention that the protective cover (4) is detachable from the mobile housing (2).

However, Sirola's protective cover (4) is mounted on the mobile housing (2) by a mechanical hinge (6), and most mechanical hinges are detachable. Harms teaches providing a hinge (30) which allows the protective cover (14) to be detached from the mobile housing (12).

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Hence, if it is found that Sirola's hinge does not allow the protective cover to be detached from the mobile housing, then it would have been obvious for one of ordinary skill in the art to adapt the hinge design of Harms in Sirola, such design tends to allow the cover to be detached from the housing undamaged when an excessive force is applied to the cover and is easily reattached to the housing. The detachable cover is thus more durable and less likely to be damaged during use (col. 1, lines 46-51 in Harms).

Regarding claim 25, Sirola shows:

A mobile device (see 1) and its user interface (2);

A partially-transparent protective cover (4) comprising a protective surface (4-5) and a position mechanism (6);

A first position (closed position); and

A second position (open position in fig. 1).

Sirola differs from the claimed invention in that it does not explicitly mention that the protective cover (4) is detachable from the mobile housing (2).

However, Sirola's protective cover (4) is mounted on the mobile housing (2) by a mechanical hinge (6), and most mechanical hinges are detachable. Harms teaches providing a hinge (30) which allows the protective cover (14) to be detached from the mobile housing (12).

Hence, if it is found that Sirola's hinge does not allow the protective cover to be detached from the mobile housing, then it would have been obvious for one of ordinary

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skill in the art to adapt the hinge design of Harms in Sirola, such design tends to allow the cover to be detached from the housing undamaged when an excessive force is applied to the cover and is easily reattached to the housing. The detachable cover is thus more durable and less likely to be damaged during use (col. 1, lines 46-51 in Harms).

3. Claims 1-4, 6-11, 13-14, 17-19, 21-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Romao (EP 0969641) in view of Sirola et al. (US 6415138) and Harms.

Regarding claim 1, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

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However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1).

Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig.2, col. 4, lines 45-48 in Sirola).

Romao further differs from the claimed invention in that it does not explicitly mention that the protective cover (14) is detachable from the mobile housing (2).

However, Romao's protective cover (14) is mounted on the mobile housing (2) by a mechanical hinge (15), and most mechanical hinges are detachable. Harms teaches providing a hinge (30) which allows the protective cover (14) to be detached from the mobile housing (12).

Hence, if it is found that Romao's hinge does not allow the protective cover to be detached from the mobile housing, then it would have been obvious for one of ordinary skill in the art to adapt the hinge design of Harms in Romao, such design tends to allow the cover to be detached from the housing undamaged when an excessive force is applied to the cover and is easily reattached to the housing. The detachable cover is thus more durable and less likely to be damaged during use (col. 1, lines 46-51 in Harms).

Regarding claim 10, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

The cover (14) includes apertures (16) for providing input commands to the touch surface when the cover is in the first position (closed position).

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1).

Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig.2, col. 4, lines 45-48 in Sirola).

Romao further differs from the claimed invention in that it does not explicitly mention that the protective cover (14) is detachable from the mobile housing (2).

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However, Romao's protective cover (14) is mounted on the mobile housing (2) by a mechanical hinge (15), and most mechanical hinges are detachable. Harms teaches providing a hinge (30) which allows the protective cover (14) to be detached from the mobile housing (12).

Hence, if it is found that Romao's hinge does not allow the protective cover to be detached from the mobile housing, then it would have been obvious for one of ordinary skill in the art to adapt the hinge design of Harms in Romao, such design tends to allow the cover to be detached from the housing undamaged when an excessive force is applied to the cover and is easily reattached to the housing. The detachable cover is thus more durable and less likely to be damaged during use (col. 1, lines 46-51 in Harms).

Regarding claim 25, Romao shows:

A mobile device (see 1) and its user interface (2);

A protective cover (16) comprising a protective surface (14, 16) and a position mechanism (15);

A first position (closed position); and

A second position (open position in fig. 1)

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is partially-transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1).

Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig.2, col. 4, lines 45-48 in Sirola).

Romao further differs from the claimed invention in that it does not explicitly mention that the protective cover (14) is detachable from the mobile housing (2).

However, Romao's protective cover (14) is mounted on the mobile housing (2) by a mechanical hinge (15), and most mechanical hinges are detachable. Harms teaches providing a hinge (30) which allows the protective cover (14) to be detached from the mobile housing (12).

Hence, if it is found that Romao's hinge does not allow the protective cover to be detached from the mobile housing, then it would have been obvious for one of ordinary skill in the art to adapt the hinge design of Harms in Romao, such design tends to allow the cover to be detached from the housing undamaged when an excessive force is applied to the cover and is easily reattached to the housing. The detachable cover is thus more durable and less likely to be damaged during use (col. 1, lines 46-51 in Harms).

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Regarding claims 2-4, 6-9, 11, 13, 14, 17-19, 21-24, 26-31, the combination of Romao,

Sirola and Harms shows:

A plurality of apertures (16 in Romao);

A plurality of controls (11-12);

The cell phone (1);

A hinge (15);

A touch keyboard or touch/display screen (see 2 in Romao; 3a-3b in Sirola);

At least a portion of the protective surface is transparent (see 16);

The first position (closed position);

The second position (open position in fig. 1);

The hinge having integral first part/pins (see 14, 36 in Harms) and integral second part/rails (see 12, 34).

4. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Romao, Sirola and Harms in view of Miyagawa et al. (US 5410447).

Regarding claims 5 and 20, the combination of Romao shows a hinge.

The combination of Romao differs from the claimed invention in that it does not have details about the hinge, such as pins and rails.

However, Miyagawa teaches providing a hinge having pins and rails, and the first, second and third positions (see 35-39 in fig. 10a-10c).

Hence, it would have been obvious for one skilled in the art to modify the hinge in the combination of Romao with the concept of Miyagawa's hinge design, such that to

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couple the cover to the device, and to provide a rotational range regulating mechanism for regulating a rotational range of the cover to the device (col. 2, line 60-65 in Miyagawa).

5. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Romao, Sirola and Harms in view of Andrews (US 5911121).

Regarding claims 32-33, the combination of Romao, Sirola and Harms shows the detachable and interchangeable covers (see covers in Romao, Sirola and Harms).

The combination differs from the claimed invention in that it does not explicitly mention about models associated with the covers and the device.

However, Andrews teaches providing covers (figs. 6-9) which are associated with different models, and the phone would recognize the specific cover and reconfigure the phone to create different models associated with different covers.

Hence, it would have been obvious for one of ordinary skill in the art to modify the combination with covers associated with different models as taught by Andrews, such that the combination provides greater latitude in meeting consumer demands without the necessity of reprogramming phones (col. 1; lines 48-51 in Andrews).

ARGUMENT

6. In response to the remarks (pages 9-10) filed 04-15/05, applicant mainly argues about a detachable cover, this issue has been addressed in the rejections above, see comments above.

7. Applicant's arguments with respect to claims 1-11, 13-14, 17-25, 27-33 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 04/15/05 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642